

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V. **CRIMINAL NO. 05-40012 FDS**

ANTHONY P. RAYMOND

MOTION TO DISMISS INDICTMENT

The defendant moves that the Court dismiss the indictment in the above captioned matter charging the defendant in one count with contempt in violation of Title 18 USC §401(3).

In support of this motion the defendant says that Title 18 USC §401 is facially constitutionally defective in that it fails to satisfy the dictates of the Due Process Clause by failing to inform clearly and concisely the nature, cause and penalty of the accusation in violation of the Sixth and Fourteenth Amendments of the United States Constitution.

WHEREFORE, for the reasons set forth above and in the attached memorandum of law, the defendant respectfully requests the Court to dismiss the indictment.

/s/ Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: August 1, 2005